

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Myra Catherine Solliday,

Plaintiff,

v.

ORDER

Civil No. 11-2350 (MJD/JJG)

Director of Bureau of Prisons, et al.,

Defendants.

The above-entitled matter comes before the Court on Plaintiff's objection to the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated July 27, 2012. The Plaintiff objects to the Magistrate Judge's recommendation that the Defendants' motion to dismiss be granted. Plaintiff argues that her "objective in this cause is the denial of the § 3582(c)." (Plaintiff's Objections, p. 1 [Doc. No. 49]). Plaintiff believes she has met all the criteria to qualify for a sentence reduction, and that she is suing the Defendants in their personal and official capacities. Plaintiff argues that Warden English at FCI Waseca approved her request for a sentence reduction under 18 U.S.C. § 3582(c), and forwarded her recommendation to the Regional Director. The Regional Director ultimately denied the request.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review, the Court will adopt the Report and Recommendation in its entirety. The Magistrate Judge correctly found that a district court does not have jurisdiction to review the decision of the Bureau of Prisons to not seek a compassionate release for an inmate under 18 U.S.C. § 3582(c)(1)(A)(i). Accordingly,

IT IS HEREBY ORDERED that:

1. Defendants' Motion to Dismiss [Doc. No. 25] is **GRANTED**; and
2. Plaintiff's Motion to Amend her Complaint [Doc. No. 33] is

DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: September 4, 2012

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court

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